

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: GEORGE E. COLLINS
Debtor

§
§

CASE NO. 05-95149-H1-13
(Chapter 13)

CHAPTER 13 TRUSTEE'S SUPPLEMENTAL RESPONSE TO MOTION
TO EXTEND THE 30 DAY STAY (#10)

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, DANIEL E. O'CONNELL, CHAPTER 13 TRUSTEE, by his attorney and after reviewing the bankruptcy papers filed by Debtor on December 7, 2005 respectfully supplements his response to the Debtor's motion to extend the 30 day stay.

1. The Certificate of Service on Debtor's emergency motion for continuation of the stay excludes debtor's mortgagee, Laurie Richardson.

2. Filing bankruptcy papers the day before a hearing on motion to extend the stay generally cannot cure the bad faith evidenced by failing to comply with the requirements of the Bankruptcy Code, including not filing any bankruptcy schedules and related papers for 27 days. Debtor's failure to timely file required bankruptcy papers and other deficiencies noted in the Trustee's original response evidence an intent to hinder and delay creditors, rather than to successfully reorganize in Chapter 13.

3. The Plan and Schedules I and J which Debtor filed in this case and his previous case, when compared and considered together, evidence on their face an inability to reorganize and a failure to comply with the requirements of Chapter 13, absent and subject to clear and convincing proof to the contrary by Debtor.

WHEREFORE PREMISES CONSIDERED, Daniel E. O'Connell, Chapter 13 Trustee respectfully prays that this Court:

(i) Deny Debtor's motion to continue the 30 day stay; and

(ii) Grant the Chapter 13 Trustee such other relief as he may show himself or Debtor's Estate justly entitled.

Respectfully submitted,

By: /s/ H. Gray Burks IV
H. GRAY BURKS IV
State Bar No. 03418320
Attorney for Daniel E. O'Connell, Chapter 13 Trustee

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CERTIFICATE OF SERVICE

I certify under penalties of perjury that on December 7, 2005 a true and correct copy of this Supplemental Response was served via facsimile and email on Kelly M. Kowis at 713-965-9048 and kkowis@kowislaw.com; and by regular U.S. mail, postage prepaid on George E. Collins, 10525 Geulf Meadows Drive, Houston, TX 77075.

/s/ H. Gray Burks IV
H. GRAY BURKS IV